

ASSEMBLY BILL

No. 272

Introduced by Assembly Member Dutton

February 5, 2003

An act to add Section 6382 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 272, as introduced, Dutton. Sales and use taxes: exemptions: qualified items.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax.

This bill would exempt from those taxes qualified items, as defined, that are purchased, stored, used, or consumed by a local emergency service provider, as defined. This bill would also provide that this exemption does not apply to local sales or transactions and use tax rates and certain state rates imposed for the funding of locally provided services.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6382 is added to the Revenue and
- 2 Taxation Code, to read:

6382. (a) There are exempted from the taxes imposed by this part, the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, qualified items that are purchased, stored, used, or consumed by a local emergency service provider.

(b) For purposes of this section:

(1) “Local emergency service provider” means any of the following:

(A) A fire department that is under the jurisdiction of the state, a county, a city, a township, special district, or other local governmental agency.

(B) A fire company in an unincorporated town organized pursuant to Section 14825 of the Health and Safety Code.

(C) A fire protection district formed pursuant to the Fire Protection District Law of 1987, as specified in Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(D) A police department or sheriff’s department that is under the jurisdiction of a city or county.

(E) A police protection district formed pursuant to Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code.

(2) “Qualified item” means any item, the cost of a single unit of which to a local emergency provider exceeds ten thousand dollars (\$10,000).

(c) (1) Notwithstanding any provision of the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200)) or the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251)), the exemption established by this section does not apply with respect to any tax levied by a county, city, or district pursuant to, or in accordance with, either of those laws.

(2) Notwithstanding subdivision (a), the exemption established by this section does not apply with respect to any tax levied pursuant to Sections 6051.2 and 6201.2, or pursuant to Section 35 of Article XIII of the California Constitution.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall become operative on the

- 1 first day of the first calendar quarter commencing more than 90
- 2 days after the effective date of this act.

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